



Planning & Development  
Department

MINING EXEMPTION



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## Planning & Development Department CERTIFICATE OF MINING EXEMPTION PROCEDURES



The items listed below are required when applying for a Certificate of Exemption for a mining operation. This applies to property located in the unincorporated areas of Maricopa County.

1. Complete application in full.
2. Indicate the type of mining operation (sand & gravel, aggregate, precious rock/stone).
3. Provide two copies of the recorded deed and/or lease agreement, if applicable. Indicate the legal description for the mining operation. If the subject property is part of a land lease, the Lease Agreement should include the terms of the lease, and the proposed use of the leased land. Additional information may be required after reviewing the Lease Agreement. If the original lessor or lessee has changed, a copy of the assignment(s) of lease, are also required with the submittal.
4. Seven site plans, drawn to scale, identifying all property lines, dimensions, type and location of all easements. Indicate washes, flood plain delineations, and changes in elevation. Identify the use of all existing or proposed structures on the site. Show all open pits, stockpiles and storage areas for equipment.
5. A completed, notarized Affidavit of General Mining Use signed by the mining operator/property owner, or property owner agent is required.
6. Provide a copy of the Arizona State Mine Inspector's ASMI INSP form, showing the intent to start or move a mining operation in the unincorporated areas of Maricopa County. The State Mine Inspector's office is located at 1700 W Washington, Suite 400, Phoenix, AZ 85007-2805 • 602-542-5971 • 602-542-5335 (fax).

Additional information is outlined below:

- ❖ Upon receipt of the submittal, the application is reviewed by the Maricopa County Planning & Development Department, Zoning Division for compliance of Chapter 13 Use Regulation Section 1304 Article 1304.1
- ❖ If the land use for a mining operation is approved, the applicant will receive a Certificate of Exemption for Mining, which states that the mining operation is exempt from portions of the Maricopa County Zoning Ordinance and Building Safety Ordinances/Codes.
- ❖ If the application is approved for a mining operation, the applicant/property owner will be required to apply for Records Permits with the Maricopa County Planning & Development Department for any improvements made to the site.
- ❖ All structural and site changes/improvements not shown on the approved site plan for the mining operation will not be included in the approval for the Mining Exemption and will be required to comply with the current ordinances, laws and regulations imposed upon said land by Maricopa County.
- ❖ The primary use of the land is for a mining operation. Any use not incidental to the mining operation, will be required to comply with all current zoning and building code regulations.
- ❖ The manufacturing of any material that is not directly related to the mining operation is not a part of the exemption and may require an approved Special Use Permit granted by the Maricopa County Board of Supervisors. Contact the on call Planner at 602-506-1472 for further information concerning the Special Use Permit Process.
- ❖ A revised land use application, and seven site plans will be required for all proposed changes. The application will be reviewed for compliance with Section 1304, Exempted Uses of the Maricopa County Zoning Ordinance.
- ❖ Once approved, the Certificate of Exemption will be amended to reflect the change and approval date. If the proposed change does not fall under Section 1304, Exempted Uses of the Maricopa County Zoning Ordinance, the property owner/applicant will be notified.



## Planning & Development Department

### REGULATIONS THAT GOVERN THE USE OF LAND



#### ***Arizona Revised Statutes, 11-830.A2***

"Nothing contained in any ordinance by this Chapter shall: prevent, restrict or otherwise regulate the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agricultural purposes, if the tract concerned is five or more contiguous commercial acres."

#### ***Maricopa County Zoning Ordinance, Chapter 13, Section 1304, Exempted Uses***

"This Ordinance shall not prevent, restrict or otherwise regulate the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agricultural purposes, if the tract concerned is five or more contiguous commercial acres."

Property is not exempt from the Maricopa County Zoning Ordinance and/or Building Safety Ordinance unless and until the Maricopa Planning & Development Department has issued a Certificate of Exemption for that property. In order to secure a certificate of exemption, an applicant shall submit a zoning clearance application, including site plans and other reasonable supporting documentation.

Only property classified by the Maricopa County Assessor's office or the Arizona Department of Revenue, as property used for one of the purposes enumerated in the first paragraph of this section is eligible for exemption under this section. If property has been so classified, the property is exempt from the Maricopa County Zoning Ordinance and/or Building Safety Ordinance, unless the Planning & Development Director independently determines that all or part of the property is not used primarily for one or more of the purposes enumerated in the first paragraph of this section.

Any structures built under an exemption that do not meet the underlying zoning district and/or building safety ordinance standards may be required to comply with said standards if, at a future date, the exemption is no longer applicable."

*This document is for information purposes only; refer to the current Arizona Revised Statutes for any updates or amendments not shown here.*





Planning & Development  
Department  
CONTACT SUPPLEMENTAL



Complete applicable sections below.

TRACKING NUMBER:

LICENSED CONTRACTOR VERIFICATION

Verify that you are a licensed contractor under ARS Title 32, Chapter 10, Article 2 by providing information below.

LICENSE NUMBER AND CLASS:	NUMBER	CLASS	TRUST ACCOUNT NUMBER:	
TYPE OF LICENSE: Check one:	Architect <input type="checkbox"/>	Contractor <input type="checkbox"/>	Developer <input type="checkbox"/>	Engineer <input type="checkbox"/>
COMPANY NAME:				
STREET ADDRESS:				
CITY/STATE/ZIP:				
MAILING ADDRESS: (If different from above)				
CITY/STATE/ZIP:				
CONTACT PERSON 1:			TITLE:	
PHONE NUMBER: ( )			ALTERNATE PHONE: ( )	
CONTACT PERSON 2:			TITLE:	
PHONE NUMBER: ( )			ALTERNATE PHONE: ( )	
FAX NUMBER: ( )			E-MAIL:	

AGENT/CONTACT INFORMATION

BUSINESS NAME:	
ADDRESS:	
CONTACT PERSON 1:	TITLE:
PHONE NUMBER: ( )	ALTERNATE PHONE: ( )
CONTACT PERSON 2:	
PHONE NUMBER: ( )	ALTERNATE PHONE: ( )
FAX NUMBER: ( )	E-MAIL:



## Planning & Development Department

### Affidavit of General Mining Use



If approved, the Certificate of Exemption for Mining is an exemption from portions of the Maricopa County Zoning Ordinance, and the County's Building Code Authority, for the use of the land for the approved mining activities. Any use not incidental to the approved mining operation will be required to comply with the current regulations imposed upon said land by the underlying zoning district. The primary use of land shall be the mining operation. If the mining operation use is abandoned or is not the primary use of the land, then the appropriate zoning regulations shall apply.

Record Permits or Zoning Clearances must be applied for and issued by this department. Each time the property owner wishes to expand the use or construct, alter, modify or demolish any structure or improvement on the subject parcel, a Record Building Permit or Zoning Clearance is required. At that time, the Customer Services Department shall re-evaluate the exemption status to ensure that the current zoning exemption is valid.

Date:	Project Name:
Type of Mining Operation:	In Existence Since:
Name of Operator:	
Location:	

I hereby certify that I have been authorized by the owner to act as his agent to make this exemption request.			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	
I, _____ hereby acknowledge that I have read and understand the information provided on form 423, which recites ARS § 11-830 and Article XXIII, General Provisions, Section 2302, Exempted Uses, from the Maricopa County Zoning Ordinance.			

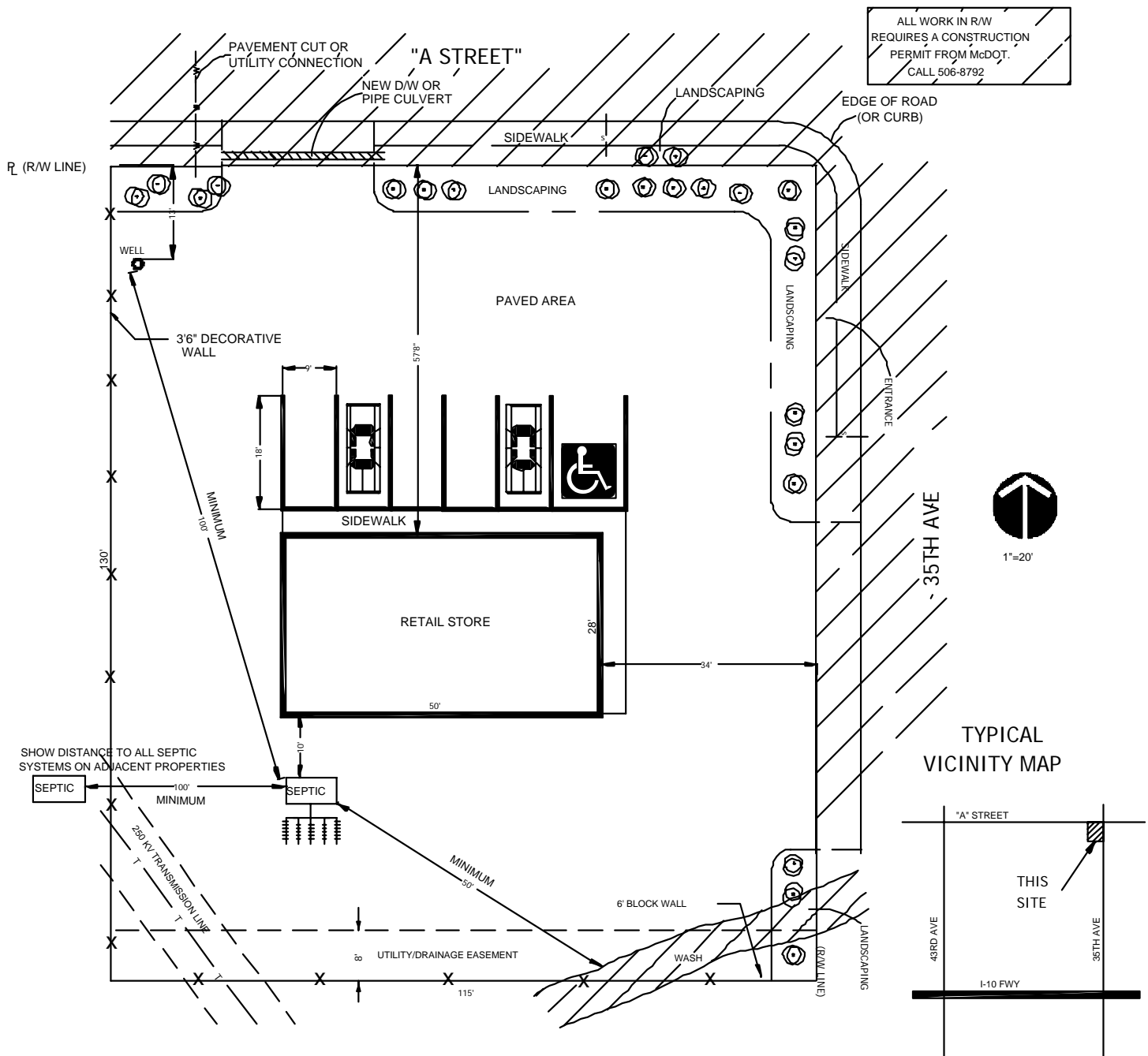
\_\_\_\_\_  
Owner's/Agent's Signature

\_\_\_\_\_  
Date

Subscribed and sworn to before me, on \_\_\_\_\_

Notary Public \_\_\_\_\_ Commission Expiration \_\_\_\_\_

## TYPICAL COMMERCIAL SITE PLAN



PLEASE VERIFY ALL REQUIREMENTS FROM THE FOLLOWING MARICOPA COUNTY AGENCIES  
PRIOR TO DRAWING SITE PLAN: PLANNING AND DEVELOPMENT, ENVIRONMENTAL SERVICES,  
DRAINAGE REVIEW AND DEPARTMENT OF TRANSPORTATION.

**SAMPLE ONLY (DRAWING SHOWN IS NOT TO SCALE)  
ADDITIONAL DETAILED PLANS MAY BE REQUIRED**